

**Pazer & Epstein, P.C.**

ATTORNEYS AT LAW  
20 VESEY STREET  
NEW YORK, NEW YORK 10007  
(212) 227-1212

PERRY PAZER  
MARK J. EPSTEIN  
MICHAEL JAFFE  
JONATHAN N. PAZER  
MATTHEW J. FEIN  
EUGENE GOZENPUT

FACSIMILE (212) 374-1778  
**SUFFOLK OFFICE**  
1776 E. JERICHO TURNPIKE  
HUNTINGTON, N.Y. 11743  
(631) 864-2429

January 10, 2008

United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Attention: Honorable John G. Koeltl

Re: David Silberstein v. Best Buy Co., Inc.  
Docket No.: 07 CV 5778

Dear Judge Koeltl:

This acknowledges by both counsel with appreciation the extension granted, so that we may complete discovery.

By agreement I am writing and requesting a directive from the Court which will definitively answer an issue which we have not been able to resolve.

In response to our discovery demands to Best Buy Co., Inc. a specific line of inquiry was as follows:

All documents and/or protocol of the defendant, Best Buy with relation to security at the entrance to Best Buy in effected generally and specifically during the Black Friday sales such as November 24, 2006."

In response to that demand dated December 6, 2007, Mr. DeLuca on behalf of Best Buy submitted the following response

"Best Buy had no written protocol and or documents with relation to security and/or crowd control at the entrance to the Best Buy Store in question for the opening and pre-opening hours of November 24, 2006". The response was not responsive as we were requesting procedures for this major retail entity and not just this store.

Page -2-

Re: David Silberstein v. Best Buy Co., Inc.  
January 10, 2008

Thereafter we discovered an article in Newsday dated November 20, 2007, (photostatic copy is attached). A human resource manager, Mary Ann Claps was interviewed with relation to Best Buy store procedures for "Black Fridays". It speaks about Best Buy training one hundred (100,000) thousand employees who are going to participate in Black Fridays (See second paragraph of article).

A second previous demand made upon this defendant was "all materials in possession of defendant, defendant's counsel and/or representatives or anyone under defendant's control prepared by any party, this includes any documents, manuals, videotapes, policies, practices, operating procedures or any other materials whether obtained directly or indirectly relating to this incident." This demand was never even answered by defendant.

Clearly Mary Ann Claps a human resources manager for a national retail chain is an appropriate witness to question as to "Best Buy's" procedures nationwide.

Mr. DeLuca has not agreed to permit us to depose her even though she was noticed for deposition and he is also asking to restrict my questioning to this specific store.

I respectfully request an unrestricted opportunity to exam Ms. Claps dealing with all studies, memoranda and internal material with relation to Black Friday and its impact on the Best Buy stores nationwide including but not limited to this store.

Very truly yours,

PAZER & EPSTEIN, P.C.

BY: PERRY PAZER

PP:dr

Enclosure

cc: Simmons, Jannace & Stagg, LLP  
75 Jackson Avenue  
Syosset, New York 11791-3139  
Attention: Sal F. DeLuca

Fine in David Silberstein

Newsday

11/20/07

# Best Buy readies staff for the Black Friday rush

BY KEIKO MORRIS

keiko.morris@newsday.com

Images of customers rushing glass doors, lines of shoppers snaking around buildings at pre-dawn hours and stores crowded and chaotic with bargain hunters are all part of the lore of Black Friday.

But in recent years, retailers have been planning a little better to manage the potential havoc of competitive shoppers out for a deal. Best Buy is one such retailer. This past weekend, about 100,000 Best Buy employees participated in a Black Friday dry run, complete with simulated customer lines and shopping scenarios.

"We plan way ahead of time how the stores are going to operate," said Mary Ann Claps, a Best Buy district human resource manager. "We want to make sure everyone in the store knows what their role is. It has to run like clockwork."

Just to capture the importance of Black Friday for retailers, think Super Bowl, suggested Steven Hill, general manager of the Commack Best Buy.

"Just like a football team, if you're running to the right, the blockers need to know which way to block," he explained.

Except Best Buy's employees don't aim to block anything; rather, their goal is to orchestrate an orderly flow, managers said.

At Sunday's rehearsal at the Commack store, about 115 employees got a glimpse from the other side and compared standing in an unmoving line to one that was in constant motion. After gathering to hear the overall game plan, staffers broke into smaller groups to



PHOTO BY PETER DILAURO

**A manager holds a meeting Sunday with employees preparing for Black Friday at Best Buy in Commack.**

discuss "how to deal with multiple customers at once, product placement, and servicing the customer from beginning to end," said Michael Basile, a Geek Squad agent, who will be working in the computer section handling installation and protection plans.

This year will be Basile's first working Black Friday, but he doesn't have the jitters because, he noted, he also will have team members alongside through the day. "Everybody knows their role and how to execute that plan when the time comes," he said.

Not too long ago, retailers didn't do much in the way of coordinating employees for the Black Friday onslaught.

"It was open up the floodgates and hope for the best," said Greg Port, a Best Buy district services manager, as he recalled Black Fridays at other retailers more than two

decades ago.

Both outside and inside Best Buy stores, employees will be equipped with balloons on Black Friday to mark the end of the line. Other workers will answer questions about products and hand out maps and coffee for shoppers who have lined up hours before the 5 a.m. opening time, Hill said. Inside, staffers plan to guide customers who need directions to their desired electronic gear, and other employees are prepared to make unprompted presentations if enough people express interest in a particular item.

Will Evers, a manager for Best Buy Mobile, described his earlier Black Fridays working at other retailers as an "unorganized mob scene" with "no traffic flow."

"Here, it's like customers will know where they're going," he said. "People will be guiding them."